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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,630	06/11/2001	Robert E. Tolbert II	36968/254468 (BS00412)	3276
36192	7590	08/04/2005	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/878,630

Applicant(s)

TOLBERT, ROBERT E.

Examiner

REXFORD N. BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*R N Barnie*  
**REXFORD BARNIE**  
**PRIMARY EXAMINER**

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. At best, all the examiner could find support for in the specification, is the fact that upon determining a solution to a problem, the settings of a telephone can be changed in (see page 5 of specification) or to program the telephone automatically including storing a telephone number. Thus, for examination purposes, the examiner would treat this limitation as being able to program a telephone remotely in response to a help inquiry.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 (2, 3, 6, 7 and 9) are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Busey et al. (US Pat# 6,377,944) and further in view of Rignell et al. (US Pat# 2001/0053688).

Regarding claim 1, Sennett teaches a customer on line user guide provided by a computer program and medium including receiving user input which includes manufacturer data, model information and a problem, which may be in the form of instructional request or service information in (see cols. 3-4). Sennett teaches being

able to receive inquiries about how to program one phone including storing/retrieving tele#, how to read, store and retrieve messages and so forth. Furthermore, according to Sennett, a plurality of service inquiry solution can be provided to a user including information about a service, a specific feature code, all services and features supported by the network and/or feature codes.

Sennett teaches being able to request help information but fails to teach a two-step information-processing algorithm including a general problem or information request and then specific symptoms associated with the problem as claimed.

Busey teaches a web response unit including a help system wherein a user can query or ask for help or solutions to certain problems which incorporates a two step algorithm by first receiving a request about a general problem and then specific symptoms of the problem in (see col. 13 lines 41-49, col. 6 lines 50-58, col. 11 line 58-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Busey into that of Sennett thus making it possible to provide an effective interactive systems capable of providing a detailed solution or answer to a plurality of possible user's problems/information request.

The combination fails to teach changing setting or parameters in response to a help request automatically by a virtual technician.

Rignell et al. teaches a method and system for providing support to a mobile communication unit in (see title) wherein a user can request help information and a

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telephone can be updated with correct settings, parameters either automatically or by telling a user how to do so in a message form to be displayed to a user in (see pages 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Rignell into that of the combination thus making it possible to inform solutions to a user's help inquiry and to automatically update a telephone with the correct settings or parameters thus saving a user the time.

Regarding claims 6-7, see the explanation as set forth regarding claim 1. In addition to the fact that Sennett teaches storing and being able to interact with a plurality of radio telephones based on MIN and ESN of the telephones.

Regarding claim 9, see the explanation as set forth regarding claim 1. According to the combination including Sennett, a list of problems including how to program one's telephone including reading text and so forth and the combination including Busey renders obvious the teaching of listing specific symptoms associated with a general problem.

Regarding claims 2-3, The combination teaches a computer network environment including internet access. It's well known to associate client environment with data or computer networks such as the internet and the examiner takes official notice to this effect even though the network environment taught by the combination reads on a client environment.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Busey et al. (US Pat# 6,377,944) and further in view of Rignell et al. (US Pat# 2001/0053688) and further in view of Linyard et al. (US Pat# 2002/0023144).

Regarding claims 4-5, The combination fails to teach a video file being used in information assistance system.

Linyard teaches a method and system for providing user assistance in (see 0009, 0015, **0037**, 0048, page 5 and disclosure) wherein text, images, video and animation can be used.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Linyard into that of the combination thus making it possible to make it easier to follow or understand information presented to user.

Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sennett (US Pat# 6,400,940) in view of Busey et al. (US pat# 6,377,944) and further in view of Rignell and further in view of Beck et al. (US Pat# 6,332,154) or Evans et al. (US Pat# 6,650,889).

Regarding claims 4-5, The combination fails to teach the claimed subject matter but Beck et al. teaches a help support system wherein help information can be relayed to a user in the form of a video in (see col. 60 lines 39-46,col. 61 lines 62-col. 62 line 6).

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Evans teaches a mobile terminal capable of receiving information in a video format.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Beck or Evans into that of the combination thus making it possible to program or follow instructions data without having to read too much and also, avoid the tendency of being confused after reading too much information.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER  
REXFORD BARNIE, 07/29/05

  
**REXFORD BARNIE**  
PRIMARY EXAMINER